

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 Marc Paul Schachter,
5 Petitioner
6 v.
7 Jo Gentry, et al.,
8 Respondents
9

2:17-cv-01766-JAD-GWF
Screening Order
[ECF No. 1, 1-1]

10 Petitioner Marc Paul Schachter is serving a sentence of 5–20 years after he
11 was convicted in state court for attempted robbery of a Walmart and deemed a
12 habitual criminal. He applies to proceed in forma pauperis¹ and petitions for a writ
13 of habeas corpus under 28 U.S.C. § 2254. I find that Schachter is unable to pay the
14 filing fee.

15 I have also reviewed Schachter’s petition under Rule 4 of the Rules
16 Governing Section 2254 Cases in the United States District Courts, and I will serve
17 the petition upon respondents for a response. I note, however, that the petition has
18 two irregularities: page 7 is a duplicate of page 5, and page 6 should be read after
19 page 10.²

20 Accordingly, IT IS HEREBY ORDERED that the application to proceed in
21 forma pauperis [ECF No. 1] is GRANTED. Schachter NEED NOT PAY the \$5.00
22 filing fee.

23 The Clerk of Court is directed to DETACH and FILE the petition for a writ
24 of habeas corpus [ECF No. 1-1]. The Clerk of Court is also directed to ADD Adam
25 Paul Laxalt, Attorney General for the State of Nevada, as counsel for respondents
26

27 ¹ ECF No. 1.

28 ² I refer to the page numbers generated by CM/ECF.

1 and electronically SERVE upon respondents a copy of the petition and this order.
2 Finally, the Clerk of Court is directed to RETURN to petitioner a copy of the
3 petition.

4 IT IS FURTHER ORDERED that respondents will have 45 days from the
5 date on which the petition was served to answer or otherwise respond to the
6 petition. Respondents must raise all potential affirmative defenses in the initial
7 responsive pleading, including untimeliness, lack of exhaustion, and procedural
8 default. Successive motions to dismiss will not be entertained. If respondents file
9 and serve an answer, then they must comply with Rule 5 of the Rules Governing
10 Section 2254 Cases in the United States District Courts, and then Schachter will
11 have 45 days from the date on which the answer is served to file a reply. If
12 respondents file a motion, then the briefing schedule of Local Rule LR 7-2 will
13 apply.

14 IT IS FURTHER ORDERED that the hard copy of any electronically filed
15 exhibits must be forwarded—for this case—to the staff attorneys in Las Vegas.

16 DATED: October 18, 2017.

17 
18 _____
Jennifer A. Dorsey
United States District Judge
19
20
21
22
23
24
25
26
27
28